IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.964 OF 1998

Dr.Rajan Tamhane ..Petitioner
V/s.
Harsha Timmi Sidhu and ors. ..Respondents

WITH

CRIMINAL WRIT PETITION NO.965 OF 1998

Suhel Singh Khambey ..Petitioner
V/s.
Harsha Timmi Sidhu and ors ..Respondents

WITH

CRIMINAL WRIT PETITION NO.1109 OF 1998

Timmi Avtar Singh Sidhu and ors ..Petitioners
V/s.
Harsha Timmi Sidhu and ors ..Respondents

Mr.Hiranandani, Counsel h/f. Mr.C.G.Gavanekar for petitioner.
Mr.Ganesh Gole for respondent No.1.
Mr.Ashutosh Gavnekar for respondent Nos.2, 4 to 7.
Mr.U.V.Nikam, A.P.P. for respondent No.8 – State.

CORAM : J.H.BHATIA, J.

DATE : 20TH APRIL, 2007

P.C.

1. Heard Mr.Hiranandani, learned counsel

holding for Mr.C.G.Gavanekar, advocate for the petitioner and Mr.U.V.Nikam, A.P.P. for the State of Maharashtra. The respondent No.1, Harsha is a wife of Timmy, who the petitioner in Criminal Writ Petition No.1109 of 1998. Because of matrimonial disputes between the husband and wife, the respondent No.1 Harsha had filed criminal complaint No.554/S of 1998 before the learned Metropolitan Magistrate 44th Court, Andheri, Mumbai and it was registered under Section 506(2), 385, 387, 452 r/w.34 of the I.P.C. against the petitioner. The petitioner filed these petitions challenging the proceedings in the said criminal cases on several grounds. However, today when these matters are called for final hearing, the learned counsel for both the parties state that the husband and wife have already amicably settled the disputes and they had filed Consent Terms in Writ Petition No.1963 of 2003 and parties had agreed to take divorce by mutual consent and had agreed to withdraw all the cases against each other. The learned counsel also

state that as per the consent terms filed by the parties, the divorce with mutual consent has been already granted as per the order dated 23rd February, 2006 passed by the Family Court, Mumbai. In view of these developments Mr.Hiranandani, the learned counsel for the petitioner stated that all these three Writ Petitions may be allowed and criminal proceedings may be quashed. Mr.U.V.Nikam, A.P.P. for the State of Maharashtra, who is the original complainant has no objection in view of the settlement between the parties.

2. In view of the aforesaid circumstances, all these three Writ Petitions are allowed in terms of prayer clause (a). This order be communicated to the concerned Metropolitan Magistrate.

(**J.H.BHATIA, J.**)